

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TONY SHAMOON,

Plaintiff,

Case No.: 4:19-cv-12781

Hon. Matthew F. Leitman

v.

RYDER TRUCK RENTAL, INC., et al.,

Defendants.

**ORDER (1) DIRECTING PLAINTIFF TO FILE SECOND AMENDED
COMPLAINT AND (2) TERMINATING AS MOOT THE PENDING
MOTION FOR JUDGMENT ON THE PLEADINGS (ECF No. 39) AND
THE PENDING MOTION FOR SUMMARY JUDGMENT (ECF No. 43)**

The current operative Complaint in this action is the First Amended Complaint (ECF No. 15). Now pending before the Court are (1) a motion for judgment on the pleadings by Defendants Kirk Lamarr Gaiter and Ryder Truck Rental, Inc. (ECF No. 39) and (2) a motion for summary judgment by Defendants P & D Freightlines and Joseph Daneesh (ECF No. 43). In the motions, the moving Defendants argue, among other things, that Plaintiff Tony Shamon has failed to sufficiently allege the essential elements of his claims.

On March 24, 2021, the Court held a status conference on the record with counsel for all parties to discuss the pending motions. As explained on the record, without expressing any view regarding the merits of the pending motions, the Court

will grant Shamoon the opportunity to file a Second Amended Complaint in order to remedy the purported pleading defects that Defendants have raised in their motions. The Court does not anticipate allowing Shamoon another opportunity to amend to add factual allegations that he could now include in his Second Amended Complaint. Simply put, this is Shamoon's opportunity to allege any and all additional facts, currently known to him, that may cure the alleged pleading deficiencies.

By **April 7, 2021**, Shamoon shall file his Second Amended Complaint.

By **April 28, 2021**, Defendants shall answer or otherwise respond to the Second Amended Complaint.

The pending motions are **TERMINATED AS MOOT** in light of the Court's decision to permit Shamoon to file a Second Amended Complaint.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 24, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 24, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager
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